



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** January 5, 2004

**ITEM NUMBER:**

**SUBJECT:** CONSTRUCTION OF SITE IMPROVEMENTS AT HAMILTON STREET COMMUNITY GARDEN, 523 HAMILTON STREET - CITY PROJECT NO. 03-28

**DATE:** DECEMBER 19, 2003

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** WILLIAM J. MORRIS/DIRECTOR OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** ERNESTO MUNOZ, CITY ENGINEER, (714) 754-5343

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## **RECOMMENDATION:**

1. Award a construction contract to Paul H. Lee d.b.a. L H Engineering Co., 708 N. Valley Street, Suite Q, Anaheim, CA 92801, in the amount of \$63,453.63 (base bid only).
2. Waive the minor irregularities in the bids submitted.
3. Authorize the Mayor and the Deputy City Clerk to execute the Public Works Agreement.
4. Adopt a resolution approving the application of an Urban Park Act of 2001 Grant.

## **BACKGROUND:**

This project was previously advertised in February 2003, and a total of four bids were received. However, at the regular City Council meeting of May 5, 2003, City Council voted to reject all the bids due to the potential shortfall in the City's budget. The Council directed staff to continue the contract award (see Attachment 1). The apparent low bid amount for the base bid plus all the alternates was \$71,735.60.

The development of the community garden was later discussed at the July 7, 2003 regular City Council meeting. At that time, City Council voted to allocate \$80,000 for the development of the Hamilton Street Community Garden (see Attachment 2).

At Council's direction to continue with the contract award, staff readvertised the project on October 20, 2003.

The permanent site improvements will consist of the construction of perimeter wrought iron fencing and gates; concrete slabs; a concrete trash enclosure; and irrigation and landscape improvements.

## **ANALYSIS:**

The Deputy City Clerk received and opened four bids for this project on November 24, 2003. Paul H. Lee d.b.a. L H Engineering Co. was the apparent low bidder with a total base bid proposal of \$63,453.63. The Engineer's base bid estimate was \$70,145.50; and the average of the four bids received amounted to \$92,352.01. The Bid Abstract is included as "Attachment 3."

Staff has determined that the remaining three bids submitted contain minor irregularities, which do not affect the price, time, or work to be performed. The City Council has the authority to waive minor irregularities in bids. Waiving the minor irregularities does not give any bidder an advantage over another, nor does it affect the order of the bidders.

In addition to the base bid, the bid solicitation requested three alternate bid items. These alternate bid items were intended to upgrade the wrought iron fencing, irrigation system, and landscaping work and be added to the contract if sufficient funding was available.

The alternate bid item to upgrade the fencing would replace the specified hollow tubing wrought iron fencing with solid tubing. This change will increase the fence's longevity and reduce long-term maintenance.

The alternate bid item to upgrade the irrigation system would replace the battery-powered irrigation system with an electrical irrigation system. This change would reduce the amount of future maintenance required on the irrigation system and allow it to be connected to the City's remote computerized access system that controls all the irrigation systems within the City.

The alternate bid item to upgrade the landscaping provides for the installation of 24" box trees instead of having the work performed by volunteers.

If the alternate bid items are added, the total construction cost, including utility service fees and contingencies, will exceed the current allocation for this project. Consequently, staff does not recommend the addition of the alternate bid items due to the extra cost bid for these items.

The license and references of L H Engineering Co. were checked and staff has found them to be in good standing.

The Urban Park Act of 2001 Grant Program provides \$130 million of grant funds for the acquisition or development, or both, of new urban parks, and new recreation areas and facilities, in neighborhoods that are currently least served by park and recreation providers. This program creates facilities that will provide safe recreational environments for children, positive outlets for youth, and address the special recreational and social needs of urban population groups.

Staff has determined that the Hamilton Street Community Garden is a project that qualifies for the grant program, and staff is proposing to submit an application (Attachment 4) to fund the full cost of the project. There is no City match required; however, the City's previous expenditures on this project will count as the City's contribution. The deadline for the application is January 15, 2004. The grant program is highly competitive and the City may not be successful in the application. If the City is successful, the grant funds will be used to reimburse the City for all monies spent after July 2003 on the Hamilton Street Community Garden project.

**ALTERNATIVES CONSIDERED:**

The alternative to this Council action would be to reject all the bids. If all the bids are rejected, the City would have to readvertise or cancel the project. Staff believes that readvertising the project will not result in lower bids.

**FISCAL REVIEW:**

Funding for this project is available from the Park Development Fund originally appropriated in the 2002-2003 Fiscal Year. Funds have been brought forward to the current year.

The purchase requisition for this expenditure (Attachment 5) has been approved by the Finance Department acknowledging the availability of the funds.

**LEGAL REVIEW:**

L H Engineering Co. has furnished the necessary bonds and insurance, which have been approved as to form by the City Attorney's office. After the award and subsequent execution of the contract, a "Notice to Proceed" will be issued.

**CONCLUSION:**

It is recommended that the City Council award the contract to Paul H. Lee d.b.a. L H Engineering Co. in the amount of \$63,453.63; waive the minor irregularities in the bids submitted; authorize the Mayor and the Deputy City Clerk to execute the Public Works Agreement; and adopt a resolution approving the application of an Urban Park Act of 2001 Grant.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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MARC R. PUCKETT  
Director of Finance

DISTRIBUTION: City Manager  
Acting City Attorney

Deputy City Clerk  
Staff  
File

ATTACHMENTS:   “1”   [Excerpt from the May 5, 2003 City Council Meeting Minutes](#)  
                      “2”   [Excerpt from the July 7, 2003 City Council Meeting Minutes](#)  
                      “3”   [Bid Abstract](#)  
                      “4”   [Resolution](#)  
                      “5”   [Purchase Requisition](#)

File Name   Award Hamilton Garden  
Report

Date   12-19-03

Time   9:00 a.m.